

AMENDED IN SENATE JUNE 17, 2008

AMENDED IN ASSEMBLY APRIL 7, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 2455**

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**Introduced by Assembly Member Laird**

February 21, 2008

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~~An act to amend Sections 5096.501, 5096.511, and 5096.515 of, and to add Chapter 1.694 (commencing with Section 5096.450) to Division 5 of, the Public Resources Code, relating to state lands. An act to amend Section 15853 of the Government Code, to amend Sections 5006, 5096.501, 5096.511, and 5096.515 of, and to add Article 2.1 (commencing with Section 550) to Chapter 1 of Division 1 of, and Chapter 1.694 (commencing with Section 5096.450) to Division 5 of, the Public Resources Code, relating to state lands.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 2455, as amended, Laird. State lands: resource land transactions.

*(1) Existing law requires the State Public Works Board to acquire, on behalf of the Department of Parks and Recreation, interests in real property, including options to purchase, that have been appraised, selected, and settled through purchase negotiations conducted by the department, subject to certain requirements.*

*This bill would remove the State Public Works Board as the entity designated to acquire property for the Department of Parks and Recreation, create the State Parks Preservation Board ("board"), and require the board to review the department's recommendations, and authorize the board to authorize the department to acquire real property*

*or rights in real property, subject to certain additional requirements, including, but not limited, a prohibition on acquiring property by eminent domain proceedings.*

~~Under~~

(2) *Under* existing law, the Resources Agency consists of, among other entities, the Department of Parks and Recreation and the Department of Fish and Game, which includes the Wildlife Conservation Board. Existing law also establishes within the agency the State Coastal Conservancy ~~and the Santa Monica Mountains Conservancy~~. Existing law authorizes various entities within the agency to acquire land for purposes related to conservation.

Existing law requires an acquisition agency, prior to approving a major acquisition of conservation land, where an agency proposes to spend more than \$25,000,000 of state funds, to contract for at least one independent appraisal of the fair market value of the land and requires that appraisal to be reviewed by a qualified independent appraiser retained by the acquisition agency. Existing law requires the acquisition agency to make available for public review, among other things, the independent appraisal review, a summary of the basis for the recommendation of approval for the acquisition of the land, and any relevant environmental studies, documents, or other information.

Existing law, for purposes of these provisions, defines “acquisition agency” to mean the Wildlife Conservation Board or the State Coastal Conservancy, and “conservation lands” to mean land that is under the jurisdiction of the Wildlife Conservation Board, the State Coastal Conservancy, the Department of Fish and Game, or the Department of Parks and Recreation.

This bill would additionally include the Department of Parks and Recreation in the definition of “acquisition agency.” The bill would additionally require an appraisal, *to be conducted as specified*, for a major acquisition of conservation lands to include information related to comparable sales in the region and the development potential of the land and would require an acquisition agency to review and amend the appraisal if a period of time longer than one year passes between the time that the appraisal is conducted and its submission to the agency.

This bill would also require an appraisal for the fair market value of the land to be provided to any department, board, or conservancy within the Resources Agency prior to approving the acquisition of land for conservation or recreation purposes. The bill would require the appraisal to be conducted by ~~a qualified member of the Appraisal Institute~~ *the*

*Real Estate Services Division of the Department of General Services or an independent appraiser appropriately licensed by the Office of Real Estate Appraisers and to include information related to comparable sales in the region and the development potential of the land. The bill would require the acquisition agency, as defined, to review and amend the appraisal that if a period of time longer than one year passes between the time that the appraisal is conducted and its submission to the agency the appraisal be reviewed by an appraiser, as prescribed, and amended if necessary. Land acquired at no cost to the state would not be subject to the appraisal requirements.*

The bill would provide that, if the provisions relating to major acquisitions and the provisions relating to acquisitions by agencies within the Resources Agency are applicable to a major acquisition, and those provisions are inconsistent or duplicative, then the provisions governing major acquisitions would apply.

The bill also would make legislative findings and declarations related to land acquisition processes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) It is vital to ensure the efficient use of state funds for the
- 4 acquisition of property by state agencies, in terms of both the
- 5 amounts paid for property and the procedures used for its
- 6 acquisition.
- 7 (b) It is important to ensure that a state agency acquiring
- 8 property acts expeditiously to purchase critically needed state
- 9 resource lands for purposes of preserving and protecting those
- 10 lands.
- 11 (c) Several departments within the Resources Agency purchase
- 12 real property, including the Department of Fish and Game and the
- 13 Department of Parks and Recreation.
- 14 (d) In 2004, the California Performance Review identified
- 15 numerous concerns with the review and approval processes for
- 16 state resource land transactions.
- 17 (e) In 2006, the Legislature passed and the Governor signed AB
- 18 2497 (Chapter 462, Statutes of 2006), which added Section 12805.3

1 to the Government Code to require the Secretary of the Resources  
2 Agency and the Department of Finance to convene a workgroup  
3 to evaluate and develop options for improving the efficiency of  
4 state resource land transactions.

5 ~~(f) The report to the Legislature on the outcomes of the~~  
6 ~~workgroup pursuant to Section 12805.3 of the Government Code~~  
7 ~~will soon be released by the Resources Agency and the Department~~  
8 ~~of Finance.~~

9 *(f) In 2008, the AB 2497 (Chapter 462, Statutes of 2006)*  
10 *workgroup report was submitted to the Legislature and included*  
11 *recommendations for administrative actions to improve the land*  
12 *appraisal process and options for legislative actions to improve*  
13 *resource land transactions and acquisitions. One of those options*  
14 *included establishing a State Parks Board, and shifting acquisition*  
15 *approval from the State Public Works Board to the new State Parks*  
16 *Board.*

17 (g) In 2007, the Legislative Analyst's Office identified concerns  
18 with the appraisal process for resource land transactions and made  
19 recommendations to improve the procedures and independence of  
20 appraisals.

21 *SEC. 2. Section 15853 of the Government Code is amended to*  
22 *read:*

23 15853. (a) The board may select and acquire, in the name of  
24 and on behalf of the state, with the consent of the state agency  
25 concerned, the fee or any lesser right or interest in any real property  
26 necessary for any state purpose or function.

27 (b) If moneys are appropriated by the Budget Act for any fiscal  
28 year or by any other act for the acquisition of land or other real  
29 property, either (1) subject to this part or (2) for any state agency  
30 for whom property is acquired by the board, the moneys and  
31 acquisitions are subject to this part and the moneys shall be  
32 expended in accordance with this part, notwithstanding any other  
33 provisions of law.

34 (c) Notwithstanding any other provisions of law, all land and  
35 other real property to be acquired by or for any state agency, other  
36 than the Department of Transportation, the Department of Water  
37 Resources, the State Reclamation Board, the Department of Fish  
38 and Game, the Wildlife Conservation Board, *the Department of*  
39 *Parks and Recreation*, the Public Employees' Retirement System,  
40 the State Teachers' Retirement System, the Department of Housing

1 and Community Development, the State Lands Commission, except  
2 for property to be acquired for the State Lands Commission  
3 pursuant to an appropriation from the General Fund, and the State  
4 Coastal Conservancy with respect to acceptance of offers to  
5 dedicate public accessways made pursuant to Division 20  
6 (commencing with Section 30000) of the Public Resources Code,  
7 shall be acquired by the State Public Works Board in accordance  
8 with this part.

9 ~~(d) (1) Notwithstanding subdivision (a), the board shall acquire,~~  
10 ~~on behalf of and for the Department of Parks and Recreation, in~~  
11 ~~accordance with this part, any interests in real property, including~~  
12 ~~options to purchase, which have been appraised, selected, and~~  
13 ~~settled through purchase negotiations by the Department of Parks~~  
14 ~~and Recreation pursuant to subdivision (b) of Section 5006 of the~~  
15 ~~Public Resources Code. Out of moneys appropriated for the~~  
16 ~~acquisition of options to purchase, no more than ten thousand~~  
17 ~~dollars (\$10,000) may be expended for the acquisition of any single~~  
18 ~~option unless otherwise provided by the Legislature.~~

19 ~~(2) Notwithstanding Section 15854, purchase negotiations for~~  
20 ~~interests in real property for the state park system pursuant to~~  
21 ~~subdivision (d) of Section 5006 of the Public Resources Code shall~~  
22 ~~be initiated within six months of the effective date of the act that~~  
23 ~~appropriates funds for the acquisition. Purchase negotiations on~~  
24 ~~all projects not proposed pursuant to subdivision (d) of Section~~  
25 ~~5006 of the Public Resources Code shall be initiated within 12~~  
26 ~~months of the effective date of the act appropriating funds for the~~  
27 ~~acquisition. Either title shall be conveyed or a written agreement~~  
28 ~~to transfer title shall be executed within the appropriate~~  
29 ~~authorization period unless the Department of Parks and Recreation~~  
30 ~~formally abandons the acquisition prior to the conclusion of the~~  
31 ~~appropriate authorization period. For the purposes of this section,~~  
32 ~~in order for the Department of Parks and Recreation to “formally~~  
33 ~~abandon” an acquisition, it shall transmit written notification to~~  
34 ~~the board of its intent not to proceed with the acquisition.~~

35 ~~(3) The board, at any time during the periods specified in~~  
36 ~~paragraph (2), may commence condemnation proceedings if it~~  
37 ~~finds it to be appropriate. However, if, during the appropriate~~  
38 ~~authorization period, title is not conveyed or a written agreement~~  
39 ~~to transfer title is not signed, the acquisition has not been formally~~  
40 ~~abandoned, or condemnation proceedings have not been~~

1 commenced, the Department of Parks and Recreation shall notify,  
2 by letter, the chair of the committee in each house of the  
3 Legislature that considers appropriations, the Chair of the Joint  
4 Legislative Budget Committee, and the Members of the Legislature  
5 within whose district any part of the land or other real property is  
6 located of the status of the acquisition. For the purpose of this  
7 paragraph, condemnation proceedings shall be deemed to be  
8 commenced as of the date the board authorizes acquisition by  
9 condemnation.

10 (4) The board may schedule special meetings as are necessary  
11 to expedite the acquisition of options to purchase real property for  
12 the state park system.

13 (e)

14 (d) The board may acquire furnishings that the owner thereof  
15 agrees to sell and that are contained within improvements acquired  
16 by the board. Cost of acquisition of furnishings shall be charged  
17 to the appropriation available for acquisition of the real property.

18 SEC. 3. Article 2.1 (commencing with Section 550) is added  
19 to Chapter 1 of Division 1 of the Public Resources Code, to read:

20  
21 *Article 2.1. State Parks Preservation Board*  
22

23 550. (a) *The Legislature finds and declares that the*  
24 *preservation of the state's extraordinary biological diversity,*  
25 *protection of its most valued natural and cultural resources, and*  
26 *the creation of opportunities for high-quality outdoor recreation*  
27 *are a critical part of providing adequate parks and recreation for*  
28 *the state's people in the interest of public welfare. It is the policy*  
29 *of the state to acquire and restore to the highest possible level,*  
30 *and maintain in a state of high productivity, those areas that can*  
31 *be most successfully used to support biological diversity, natural*  
32 *and cultural resources, and recreation.*

33 (b) *To carry out these purposes, a single and coordinated*  
34 *program for the acquisition of lands and facilities suitable for*  
35 *natural, cultural, and recreational purposes, is hereby established.*

36 551. *There is within the Department of Parks and Recreation*  
37 *the State Parks Preservation Board, which is hereby created. The*  
38 *board shall consist of the chair of the commission, the director,*  
39 *and the Director of Finance.*

40 552. *The members of the board shall elect a chairman.*

1 553. *The board shall review recommendations from the*  
2 *department and shall authorize the acquisition of real property or*  
3 *rights in real property, pursuant to this article and as may be*  
4 *necessary to carry out the purposes of this article.*

5 554. *Two Members of the Senate, appointed by the Senate*  
6 *Committee on Rules, and two Members of the Assembly, appointed*  
7 *by the Speaker of the Assembly, shall meet with the board and*  
8 *participate in its activities to the extent that such participation is*  
9 *not incompatible with their respective positions as Members of*  
10 *the Legislature.*

11 555. (a) *When the department acquires real property, the*  
12 *purchase price for the real property shall not exceed the fair*  
13 *market value of the property, as defined in Section 1263.320 of*  
14 *the Code of Civil Procedure.*

15 (b) *The fair market value shall be set forth in an appraisal that*  
16 *is prepared by a licensed real estate appraiser and approved by*  
17 *the Department of General Services.*

18 SEC. 4. *Section 5006 of the Public Resources Code is amended*  
19 *to read:*

20 5006. (a) ~~The department, with the consent of the Department~~  
21 ~~of Finance, and subject to Section 15853 of the Government Code,~~  
22 *subject to authorization by the State Parks Preservation Board*  
23 *pursuant to Article 2.1 (commencing with Section 550) of Chapter*  
24 *1 of Division 1, may acquire title to or any interest in real property,*  
25 *including personal property incidental to the purchase of real*  
26 *property and options to purchase property, which the department*  
27 *deems necessary or proper for the extension, improvement, or*  
28 *development of the state park system. All real and personal*  
29 *property acquired by the department for the state park system shall*  
30 *be under the jurisdiction of the department immediately upon*  
31 *transfer of title to the state.*

32 (b) *The department shall not acquire property by eminent*  
33 *domain proceedings. The State Parks Preservation Board may*  
34 *authorize acquisition by the State Public Works Board, which may*  
35 *effect acquisitions pursuant to the Property Acquisition Law, Part*  
36 *11 (commencing with Section 15850) of Division 3 of Title 2 of*  
37 *the Government Code.*

38 ~~(b)~~  
39 (c) (1) ~~The department, pursuant to paragraph (1) of subdivision~~  
40 ~~(d) of Section 15853 of the Government Code, may appraise and~~

1 select real property for the purpose of acquiring an option to  
2 purchase the real property for the state park system. *Out of moneys*  
3 *appropriated for the acquisition of options to purchase, no more*  
4 *than ten thousand dollars (\$10,000) may be expended for the*  
5 *acquisition of any single option unless otherwise provided by the*  
6 *Legislature.* The department may utilize the services of the Real  
7 Estate Services Division of the Department of General Services  
8 or may contract with independent appraisers appropriately certified  
9 by the Office of Real Estate Appraisers, to assist in appraising  
10 property.

11 (2) The department, ~~pursuant to paragraph (1) of subdivision~~  
12 ~~(d) of Section 15853 of the Government Code,~~ may appraise and  
13 select real property for potential acquisition of, and addition to,  
14 the state park system. The department may utilize the services of  
15 the Real Estate Services Division of the Department of General  
16 Services or may contract with independent appraisers appropriately  
17 certified by the Office of Real Estate Appraisers, to assist in  
18 appraising the property. Prior to appraising the property, the  
19 Department of Parks and Recreation shall notify the owners of the  
20 real property that the department is considering the real property  
21 for acquisition, and may have it appraised. The department shall  
22 determine the form and manner of giving the notice.

23 (3) The department, ~~pursuant to paragraph (1) of subdivision~~  
24 ~~(d) of Section 15853 of the Government Code,~~ may select real  
25 property it has appraised and submit purchase offers and negotiate  
26 a purchase agreement with the owner or owners of the property.  
27 The department shall be responsible for implementing and  
28 processing the purchase agreement and conveyance of title to the  
29 state. The department may utilize the services of the Real Estate  
30 Services Division of the Department of General Services, or may  
31 contract with other state agencies with real estate and right-of-way  
32 acquisition programs, to assist in negotiating purchase agreements  
33 and conveyance of title.

34 (e)

35 (d) Upon acquisition of real property for the state park system,  
36 the department shall be responsible for providing relocation  
37 assistance to displaced persons as provided under Chapter 16  
38 (commencing with Section 7260) of Division 7 of Title 1 of the  
39 Government Code. The department may utilize the services of the  
40 Real Estate Services Division of the Department of General



1 Services, or may contract with other state agencies or private  
2 consultants with real estate and right-of-way acquisition programs,  
3 to assist in relocation planning and implementation.

4 ~~(d)~~

5 (e) (1) Requests for funding to administer the department's  
6 acquisition program shall be submitted by the department for  
7 inclusion in the Governor's Budget for each fiscal year.

8 (2) Requests for funding to acquire options to purchase real and  
9 personal property for the state park system shall be submitted by  
10 the department for inclusion in the Governor's Budget for each  
11 fiscal year based upon its estimate of the amount needed for that  
12 purpose. If an option to purchase real property for the state park  
13 system has been acquired, the funding proposed by the department  
14 shall be the appraised value of the property less the sum expended  
15 *by the state park system* for the purchase of the option. The  
16 expenditure of the moneys shall be subject to the limitation  
17 specified in ~~paragraph (1) of subdivision (d) of Section 15853 of~~  
18 ~~the Government Code~~ *paragraph (1) of subdivision (c) unless*  
19 *otherwise provided by the Legislature.*

20 (3) Requests for funding to acquire real property or any interest  
21 in real property shall be submitted by the department for inclusion  
22 in the Governor's Budget for each fiscal year. The projects shall  
23 have been selected and appraised by the department pursuant to  
24 subdivision ~~(b)~~ (c) prior to inclusion. The Governor's Budget shall  
25 contain a separate description of each project, or acquisition  
26 program and its appraised value, or funding allocation.

27 (4) *Purchase negotiations for interests in real property shall*  
28 *be initiated within six months of the effective date of the act that*  
29 *appropriates funds for the acquisition. Purchase negotiations on*  
30 *all projects not proposed pursuant to this subdivision shall be*  
31 *initiated within 12 months of the effective date of the act*  
32 *appropriating funds for the acquisition. Either title shall be*  
33 *conveyed or a written agreement to transfer title shall be executed*  
34 *within the appropriate authorization period unless the department*  
35 *formally abandons the acquisition prior to the conclusion of the*  
36 *appropriate authorization period. For the purposes of this section,*  
37 *in order for the department to "formally abandon" an acquisition,*  
38 *it shall transmit written notification to the Department of General*  
39 *Services and the State Parks Preservation Board of its intent not*  
40 *to proceed with the acquisition.*

1     ~~(e)~~

2     ~~(f)~~ The requirements imposed by subdivision ~~(d)~~ ~~(e)~~ are in  
3 addition to any other provisions of law requiring the inclusion of  
4 state park system acquisition projects in the Governor's Budget.

5     ~~(f)~~

6     ~~(g)~~ The department shall not enter into any purchase agreements  
7 for the acquisition of real property if the consideration to be paid  
8 by the department is in excess of five hundred thousand dollars  
9 (\$500,000), unless Section 5006.1 has been complied with.

10    ~~(g)~~

11    ~~(h)~~ Notwithstanding any other provision of law, all appraisals  
12 conducted by the department pursuant to this section shall be  
13 reviewed and approved by the Department of General Services or,  
14 at the discretion of the Department of General Services, a  
15 competent professional appraiser approved by the Department of  
16 General Services. Real property shall be appraised and appraisal  
17 review completed before commencement of purchasing  
18 negotiations. All contracts related to the acquisition of real property  
19 shall be reviewed and approved by the Department of General  
20 Services pursuant to Section 11005 of the Government Code.

21    ~~SEC. 2.~~

22    ~~SEC. 5.~~ Chapter 1.694 (commencing with Section 5096.450)  
23 is added to Division 5 of the Public Resources Code, to read:

24  
25           CHAPTER 1.694. APPRAISAL OF LAND ACQUISITIONS

26  
27    5096.450. For purposes of this chapter, the following terms  
28 have the following meanings:

29    (a) "Acquisition" means ~~a transaction where an acquisition~~  
30 ~~agency proposes to acquire land, or an interest in the land, all land~~  
31 ~~and other real property to be acquired in fee title or by easement~~  
32 for conservation or recreation purposes.

33    (b) "Acquisition agency" means a department, board, or  
34 conservancy within the Resources Agency that acquires land for  
35 conservation or recreation purposes.

36    5096.451. Prior to an action by an acquisition agency to  
37 approve an acquisition of land for conservation or recreation  
38 purposes, an appraisal of the fair market value of the land shall be  
39 provided to the acquisition agency for consideration. The appraisal  
40 shall be conducted by ~~a qualified member of the Appraisal Institute~~

1 ~~who is licensed~~ *the Real Estate Services Division of the Department*  
2 *of General Services or an independent appraiser appropriately*  
3 *licensed by the Office of Real Estate Appraisers, pursuant to Part*  
4 *3 (commencing with Section 11300) of Division 4 of the Business*  
5 *and Professions Code. The appraisal shall be prepared pursuant to*  
6 *the Uniform Standards of Professional Appraisal Practice and any*  
7 *supplemental standards that inform the acquisition of conservation*  
8 *and recreation lands, if applicable.*

9 5096.452. The appraisal conducted pursuant to Section  
10 5096.451 shall include, but is not limited to, the following  
11 information:

12 (a) Comparable sales in the region.

13 (b) The development potential of the land and the basis for the  
14 determination of the development potential.

15 5096.453. If a period of time longer than one year passes  
16 between the time that an appraisal required pursuant to Section  
17 5096.451 is conducted and the time that the appraisal is submitted  
18 for approval by the acquisition agency, ~~the acquisition agency shall~~  
19 ~~review and amend that appraisal~~ *appraisal shall be reviewed by*  
20 *an appraiser, pursuant to Section 5096.451, and amended if*  
21 *necessary prior to an action by the acquisition agency to approve*  
22 *the acquisition.*

23 5096.454. *Land, acquired by an acquisition agency at no cost*  
24 *to the state, shall not be subject to the requirements of Section*  
25 *5096.451.*

26 ~~SEC. 3.~~

27 *SEC. 6.* Section 5096.501 of the Public Resources Code is  
28 amended to read:

29 5096.501. For purposes of this chapter, the following terms  
30 have the following meanings:

31 (a) "Acquisition agency" means the Wildlife Conservation  
32 Board, the State Coastal Conservancy, or the Department of Parks  
33 and Recreation.

34 (b) "Conservation lands" means any land or interest therein to  
35 be acquired by an acquisition agency, or that is owned by the state  
36 and under the jurisdiction of the Wildlife Conservation Board, the  
37 State Coastal Conservancy, the Department of Fish and Game, or  
38 the Department of Parks and Recreation.

1 (c) “Major acquisition” means an acquisition where an agency  
2 proposes to spend more than twenty-five million dollars  
3 (\$25,000,000) of state funds.

4 ~~SEC. 4.~~

5 SEC. 7. Section 5096.511 of the Public Resources Code is  
6 amended to read:

7 5096.511. (a) Prior to an action by an acquisition agency to  
8 approve a major acquisition of conservation lands, the acquisition  
9 agency shall contract for at least one independent appraisal of the  
10 fair market value of the land. The appraisal shall be conducted by  
11 ~~a qualified member of the Appraisal Institute who is licensed an~~  
12 *independent appraiser appropriately licensed by the Office of Real*  
13 *Estate Appraisers*, pursuant to Part 3 (commencing with Section  
14 11300) of Division 4 of the Business and Professions Code. The  
15 appraisal shall be prepared pursuant to the Uniform Standards of  
16 Professional Appraisal Practice and any supplemental standards  
17 that inform the acquisition of conservation and recreation lands,  
18 if applicable.

19 (b) The appraisal conducted pursuant to this section shall  
20 include, but is not limited to, the following information:

21 (1) Comparable sales in the region.

22 (2) The development potential of the land and the basis for the  
23 determination of the development potential.

24 (c) If a period of time longer than one year passes between the  
25 time that an appraisal required pursuant to this section is conducted  
26 and the time that the appraisal is submitted to the acquisition  
27 agency for review pursuant to Section 5096.512, the acquisition  
28 agency shall review and amend that appraisal before taking any  
29 further action on that appraisal.

30 ~~SEC. 5.~~

31 SEC. 8. Section 5096.515 of the Public Resources Code is  
32 amended to read:

33 5096.515. (a) The procedures and requirements established  
34 pursuant to this chapter are in addition to, and do not amend,  
35 modify, or supplant, any procedures or requirements established  
36 pursuant to the Water Security, Clean Drinking Water, Coastal  
37 and Beach Protection Act of 2002 (Division 26.5 (commencing  
38 with Section 79500) of the Water Code) or the California Clean  
39 Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection

1 Act of 2002 (Chapter 1.696 (commencing with Section 5096.600)),  
2 for the acquisition of conservation lands.  
3 (b) Chapter 1.694 (commencing with Section 5096.450) and  
4 this chapter shall apply to major acquisitions, except where  
5 duplicative of, or inconsistent with, the provisions of this chapter,  
6 in which case this chapter shall govern.

O